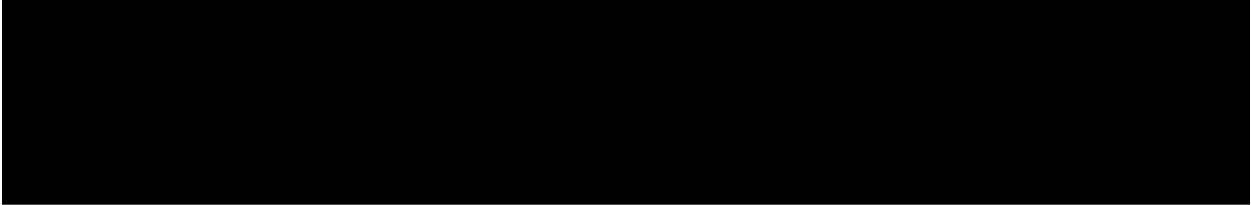


To: Diamond, Jane[Diamond.Jane@epa.gov]; Kemmerer, John[KEMMERER.JOHN@EPA.GOV]
From: Vendlinski, Tim
Sent: Tue 9/30/2014 6:57:35 PM
Subject: Fw: Cowin comments about BDCP at MWD last week

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



Forgot to include this bit.

Director Wunderlich asks then Director Cowin to talk more about the EPA's comment letter.

Mr. Cowin replies, *"To some extent, there are so many different agencies and different interests to work with on a project like this that it's hard to mind them all sufficiently, but this entire incident just underscores how important it is to devote the necessary resources to continuous interaction with all of these agencies that have a role in approving the plan ... We have had a whole lot of conversation with federal agencies since the EPA letter and we're reminded constantly that EPA isn't in the practice of writing love notes to the folks that it regulates so we shouldn't be overtaken by the tone and the depth of the letter.*

"However, it still is of great concern to us and the fundamental misunderstandings of what we're proposing are of concern to us. There are many, many comments contained in the EPA letter, but the one that concerned us the most was the suggestion that we intended to operate the project in violation of water quality law. Essentially where that misunderstanding comes from is in the analysis, which is state of the art analysis, but it's based upon a monthly timestep model which doesn't account for the daily types of decisions that we make when we operate the project, so while we have committed that we would not violate the standards that EPA is concerned about, the modeling would suggest that we would. Our response to that is that we'll deal with those challenges on a day to day basis, so essentially it's up to us to describe that in a much more clear way.

"You really would have had to get into the back appendices of the 20,000 page documents in order to gain the full appreciation of our approach to the analysis, and we need to have the short story that's clearer and more defensible up front in the document and that's our intention, but we do continue to work with the EPA to make sure we understand exactly what their concerns are and if we need to do additional analysis as part of this recirculation, aside from just telling a clearer story, we'll get that done."

Erin Foresman

US EPA | SF Bay Delta | Environmental Scientist

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Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p

From: Foresman, Erin

Sent: Tuesday, September 30, 2014 8:56 AM

To: Tim Vendlinski; Tom Hagler; Cabrera-Stagno, Valentina; Skophammer, Stephanie; Goforth, Kathleen; Kozelka, Peter

Subject: Cowin comments about BDCP at MWD last week

are on Maven's Minutes:

<http://mavensnotebook.com/2014/09/29/director-mark-cowin-updates-metropolitans-special-committee-on-the-bay-delta-conservation-plan-and-addresses-epas-comments-plus-randy-fiorini-of-the-delta-stewardship-council-on-the-councils-fi/>

Remarks about BDCP are pasted below but it is worth going to read the whole thing if you have the time (maybe 10 minute read). It addresses drought first, Water Bond, Groundwater, lots of things

"Finally, I can't get away without talking about the Bay Delta Conservation Plan. I think we continue to make hard earned progress on developing the plan and we're currently working on three parallel fronts.

"One is resolving those final issues that we've been working on for years now – essentially the terms of the proposal with the three state and federal fish agencies. I think chief among those remaining issues are the details of how adaptive management will work and who is going to be obligated for implementing adaptive management changes and how the associated costs will be allocated between not only the state and federal water contractors, but among the state and federal governments as well.

“A second front is scoping the work necessary for a recirculated BDCP CEQA/NEPA document. We are motivated primarily to recirculate the document because of physical changes to the proposal – the proposed facilities included in the BDCP, including changes to alignment of the tunnels and changes to the facilities themselves, but as we consider that recirculation, we want to be responsive to the many comments we’ve received during the first public comment period on the NEPA documents. We are continuing to work through those thousands of comments and distill down to the issues that we believe we need to address in a recirculated document.

“Of course, the comment letter we received from the federal EPA made a lot of news around the state and we want to be sure that we address EPA’s issues as high-priority as we consider what’s necessary to include in a recirculated document.

“Let me just say that we were somewhat surprised by both the content and the tone of the letter from the EPA. We’ve worked at a staff level with EPA for years now and we’re taken somewhat by surprise by their letter. But since they made their comment letter public, we have had productive meetings with the EPA and I believe that we have an understanding of what we need to do to demonstrate to EPA that we don’t intend to violate water quality laws and to demonstrate more clearly our proposal and the analysis behind it ... While it was a considerable blow to the momentum of the proposal, I do think we’re on track to address EPA’s concerns and that’s going to be tantamount to the success of our proposal.

“The third front on the BDCP is to develop a scope of work and an organization for completing the section 7 consultation with the federal agencies that is necessary as part of the permitting process. This really takes on many of the issues that are already included within the BDCP proposal. We’ve been concerned about the timeline and potential scope that the federal agencies might insist upon for that section 7 consultation, but I think in the last couple of months we’ve made great progress in getting to an agreement on an approach and how we’re going to organize ourselves to complete the necessary work. So while we don’t have anything to show for that yet, I’m very satisfied with the progress and essentially the commitment of the federal administration to make this happen as efficiently as possible.

Erin Foresman

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